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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 SHANE HUDECEK,

9 Plaintiff,

10 v.

11 MICHAEL J. ASTRUE, Commissioner of  
12 Social Security,

13 Defendant.

Case No. C08-5340BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

14 This matter comes before the Court on the Report and Recommendation of the  
15 Honorable J. Richard Creatura, United States Magistrate Judge. Dkt. 16. The Court having  
16 considered the Report and Recommendation, Plaintiff's failure to file objections, and the  
17 remaining record, does hereby find and order:

- 18 (1) The Court adopts the Report and Recommendation; and  
19 (2) This action is **DISMISSED with prejudice.**

20 DATED this 7<sup>th</sup> day of May, 2009.

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23 BENJAMIN H. SETTLE  
24 United States District Judge

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28 ORDER